



PLANNING COMMISSION STAFF REPORT JUNE 29, 2006

Project: DUMBARTON QUARRY PRELIMINARY GRADING PLAN-
(PLN2006-00159)

Proposal: To consider a Preliminary Grading Plan for the repair and stabilization of a natural occurring landslide located adjacent to Dumbarton Quarry

Recommendation: Approved, based on findings and subject to conditions

Location: 9600 Quarry Road in the Northern Plain Planning Area.
APN 537-0851-002-02
(See aerial photo next page)

Area: Lot size – 91 acres

People: Dumbarton Quarry Associates, Applicant & Owner
Bob McCarrick, Agent of Applicant
David Wilson, HMM Engineers, Consultant
Scott Ruhland, Staff Planner (510) 494-44453; sruhland@ci.fremont.ca.us

Environmental Review: A Mitigated Negative Declaration was prepared and circulated for this project.

General Plan: Institutional Open Space

Zoning: Planned District, Quarry Combining, P-81-12(Q)

EXECUTIVE SUMMARY:

The proposed project is for approval of a Preliminary Grading Plan for the cut and fill of approximately 385,000 cubic yards of material related to the repair and stabilization of a natural occurring landslide adjacent to Dumbarton Quarry. The landslide was the result of heavy rains during the winter months that caused the hillside to weaken, thus causing a minor landslide of rock and dirt. The limit of the proposed work is within the quarry property owned by Dumbarton Quarry Associates. All material associated with the landslide will not require off-haul and remain on site.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Coyote Hills Regional Park
- South: Route 84 and Wildlife Refuge Beyond
- East: Vacant Industrial Land
- West: San Francisco Bay

BACKGROUND AND PREVIOUS ACTIONS:

The project site consists of approximately 91 acres owned by Dumbarton Quarry Associates located at 9600 Quarry Road, adjacent to Coyote Hills Regional Park to the north and the Dumbarton Bridge toll plaza to the south. The site is operated as a crushed rock aggregate quarry and includes an asphalt concrete batch plant. The quarry operation has been active at the site for approximately 37 years. A conditional use permit amendment and rezoning was approved on July 22, 1977 by the City Council for expansion of the operations, construction of the asphalt concrete plant, and a preliminary rehabilitation plan (Z-76-11, U-66-53 Amendment and EIR-76-6).

On September 22, 1981, the City Council approved Planned District, P-81-12, rezoning the site from Agriculture, Hillside Combining, Quarry Combining A(H-I)(Q) and General Industrial, Hillside Combining, Quarry Combining G-I(H-I)(Q) to Planned District, Quarry Combining P(Q) to accommodate the quarry and industrial uses within the existing Institutional Open Space General Plan designation. On December 11, 1986, the Planning Commission approved a minor amendment to the use permit adding a 200 ton insulated silo adjacent to three existing silos used in the asphalt concrete operation. On August 27, 1987 and August 26, 1993, the Commission reviewed the adequacy of the conditions and compliance and found the quarry operations in compliance with the conditions of approval.

On March 25, 1997, the City Council approved a time extension of ten years (to July 1, 2007) for quarrying operations and additional excavation of the quarry area to a depth of approximately 300 feet below Mean Sea Level (MSL). It also included final rehabilitation of the facility to allow future reuse of the site by the East Bay Regional Park District including improvement of the site in accordance with the plans developed by the District during the process of rehabilitation of the quarry and, deeding of the property to the District for inclusion in Coyote Hills Regional Park. A Conditional Use Permit Amendment, U-66-53E, and a Major Planned District Amendment, P-81-12A, were approved for the time extension and the final quarry rehabilitation plan with preliminary grading.

The City, as required by the Conditions of Approval for quarry use permit, conducted an annual review of the quarry in January 2006. The City found that the quarry was in conformance with their use permit. The final annual review for the Quarry will occur in January 2007.

PROJECT DESCRIPTION:

The proposed project consists of Preliminary Grading Plan approval for the cut and fill of approximately 385,000 cubic yards of materials related to the repair and stabilization of a natural occurring landslide. The landslide occurred due to heavy rains during the winter months on a knoll just north of the quarry pit. The intent of the project is to repair and stabilize the slide area to prevent further landslides from occurring. The project will result in the re-shaping of the hillside to match the existing contours as closely as possible, although the resulting topography will be modified.

The attached photo simulations indicate the form of the hillside after the repair is completed. However, they do not accurately reflect the landscape and natural condition of the hillside after the repair is complete. Tree removal associated with the grading activities is minimal, if any. The grove of eucalyptus trees that appears to be removed in the Northeast view of the photo simulations will actually remain. The hillside will be left in its natural condition and landscaped with minimal natural vegetation subject to review of the City Landscape Architect. Final grading and landscaping will occur on site as part of the Quarry Reclamation Plan. Over the next year the City will be working with Dumbarton

Quarry Associates and East Bay Regional Park District on the finalization, review and approval of these plans. Information regarding these plans will be made available to the Planning Commission at a later date, most likely with the January 2007 annual review. Per the conditions of approval for the quarry use permit, quarry operations must cease by July 1, 2007.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Institutional Open Space. The proposed project is consistent with the existing General Plan land use designation for the project site because the intent of the project is to repair a landslide to protect the general health, safety and welfare of people living and recreating in Fremont. This project allows further the intent of EBRPD for conversion of the quarry into a regional park. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

- **HEALTH & SAFETY GOAL 1:** Minimum feasible risk to the community from land instability and other non-seismically induced geologic hazards.

Analysis: The project is consistent with this goal because the purpose of the repair is to minimize the risk involved from an unstable landslide area.

View Impacts:

An impact, although not necessarily negative, to the hillside will occur which could affect views. Mitigation measures were included in the Negative Declaration to require the least amount of disturbance as possible while still achieving the objective of repairing the hillside to prevent future slides. The resulting topography is due to the extensive grading necessary to repair the slide. The attached photo simulations accurately reflect the resulting form of the land, although the hillside will not be landscaped with sod or ground cover, nor will trees be removed as the simulations indicate. Minimal natural vegetation will be planted after the slide repair is completed.

Grading:

The project includes remediation of a recent landslide on a ridge north of the quarry pit. The landslide is located on the north side of the ridge. The landslide is approximately 260 feet in length and 220 feet in width at the top, to 80 feet in width at the toe. The landslide varies in depth up to approximately 20 feet in the center of the landslide area. Though the landslide area is approximately 40,000 square feet in area, the proposed grading area is about 600,000 square feet.

The landslide repair will consist of flattening, or cutting, the existing ridge at a slope of two horizontal to one vertical (50%), or flatter. The grading will remove the landslide debris, as part of the cut slope, and the removed material will be placed in the quarry pit. This landslide was not previously identified as part of the Dumbarton Quarry reclamation plan, and therefore is being referred to Planning Commission as a Preliminary Grading Plan.

The proposed grading is quite extensive and will result in a change to the existing landscape (see enclosed photo-simulations). The plan shows cuts up to 100 feet in depth, effectively removing a protruding knoll from the larger hill north of the quarry. The protruding knoll is being "trimmed" back a

horizontal distance of approximately 300 feet. The project civil engineer estimates the cut to be 385,000 cubic yards of the hillside, all of which will be placed as fill within the quarry (below sea level).

Urban Runoff Clean Water Program:

The applicant and project will comply with the City's Urban Runoff Clean Water Program in accordance with the Alameda Countywide NPDES Municipal Stormwater Permit. The project shall submit a Notice of Intent (NOI) to the State of California, or amend any existing NOI, prior to issuance of a grading permit for the landslide repair. The project plans shall include a storm water pollution prevention plan (SWPPP) and an erosion and sediment control plan, both of which shall be subject to review and approval by the City Engineer prior to issuance of the grading permit.

Geologic Hazards:

Berlogar Geotechnical Consultants, the project geotechnical engineer for the landslide repair, completed a geotechnical investigation and report for the recent landslide. The report characterized the landslide as occurring due to excessive moisture and weak soils on sloping ground. The report concluded that the landslide mass will likely continue to move gradually over the next several years and may effect the future use as a recreation area for the East Bay Regional Park District. The recommended repair is to remove the landslide material as part of a greater grading plan to reshape the hill.

The project site is within an area of potential earthquake-induced landslides on the Seismic Hazard Zones, Newark Quadrangle map, released by the State Geologist on July 2, 2003. The proposed grading project is not subject to the Seismic Hazards Mapping Act because no subdivisions of land or structures for human occupancy are proposed.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to aesthetics and air quality. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

Mitigation measures

On site mitigation includes dust suppression measures and re-vegetation of the site with naturally occurring landscaping. In addition, a Mitigation Monitoring Program is recommended for adoption in order to ensure implementation of mitigation measures.

The initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to Draft Mitigated Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 15 notices were mailed to owners and occupants of property within 1,000 feet of the site. The notices to owners and occupants were mailed on June 15, 2006. A Public Hearing Notice was published by The Argus on June 15, 2006.

In addition, 2 public hearing notices were mailed as a courtesy to interested parties.

ENCLOSURES:

Exhibits:

- Exhibit "A" Mitigated Negative Declaration and Mitigation Monitoring Plan
- Exhibit "B" Preliminary Grading Plan
- Exhibit "C" Findings and Conditions of Approval

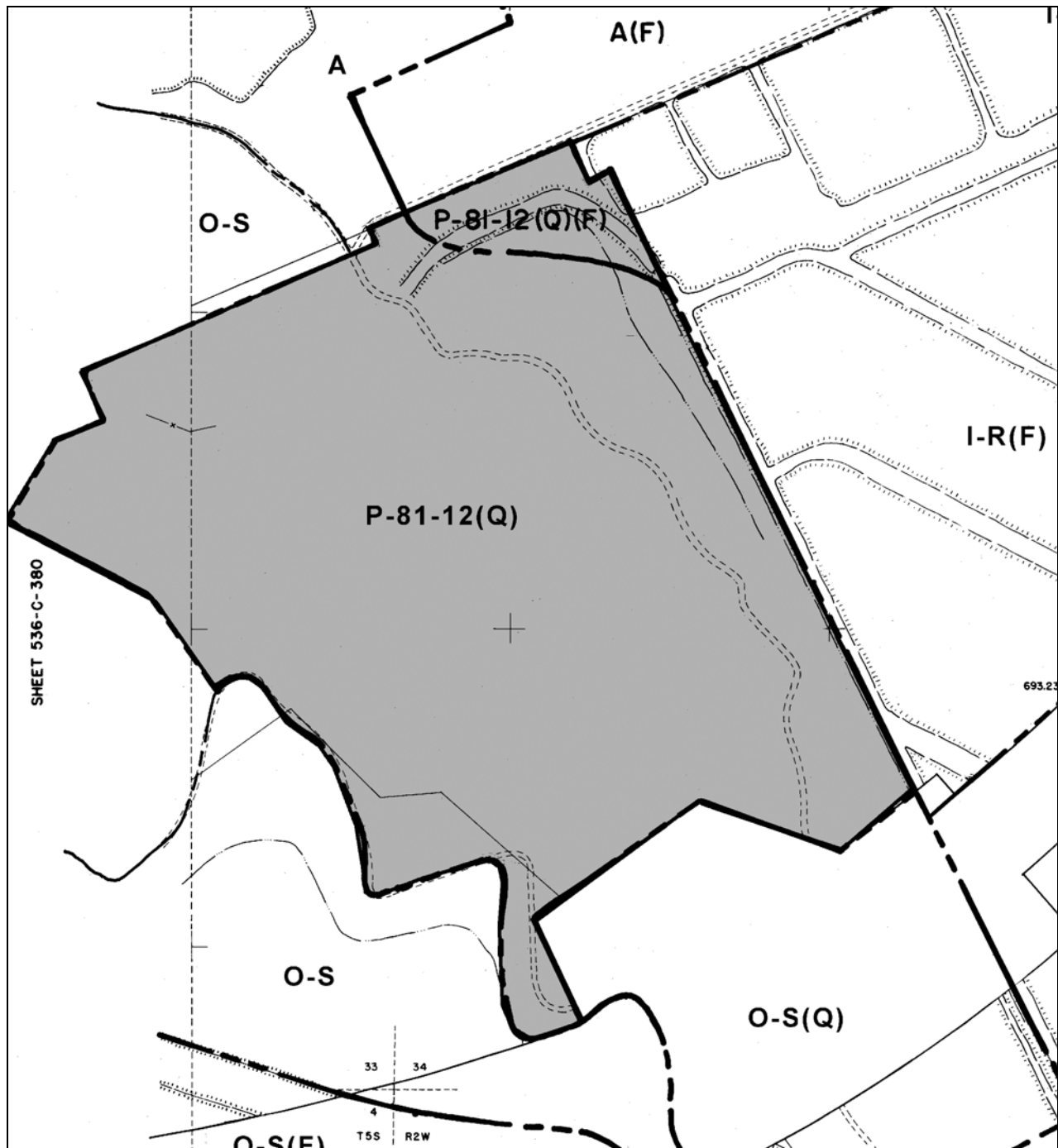
Informational Items:

1. Initial Study with Certificate of Fee Exemption
2. Photo Simulations
3. Project Description

RECOMMENDATION:

1. Hold public hearing.
2. Find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Adopt Mitigated Negative Declaration and Mitigation Monitoring Plan and recommend the use of a Certificate of Fee Exemption and find these actions reflect the independent judgment of the City of Fremont.
4. Find PLN2006-00159 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Health & Safety Chapters as enumerated within the staff report.
5. Approve Preliminary Grading Plan, as shown on Exhibit "B", subject to findings and conditions on Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

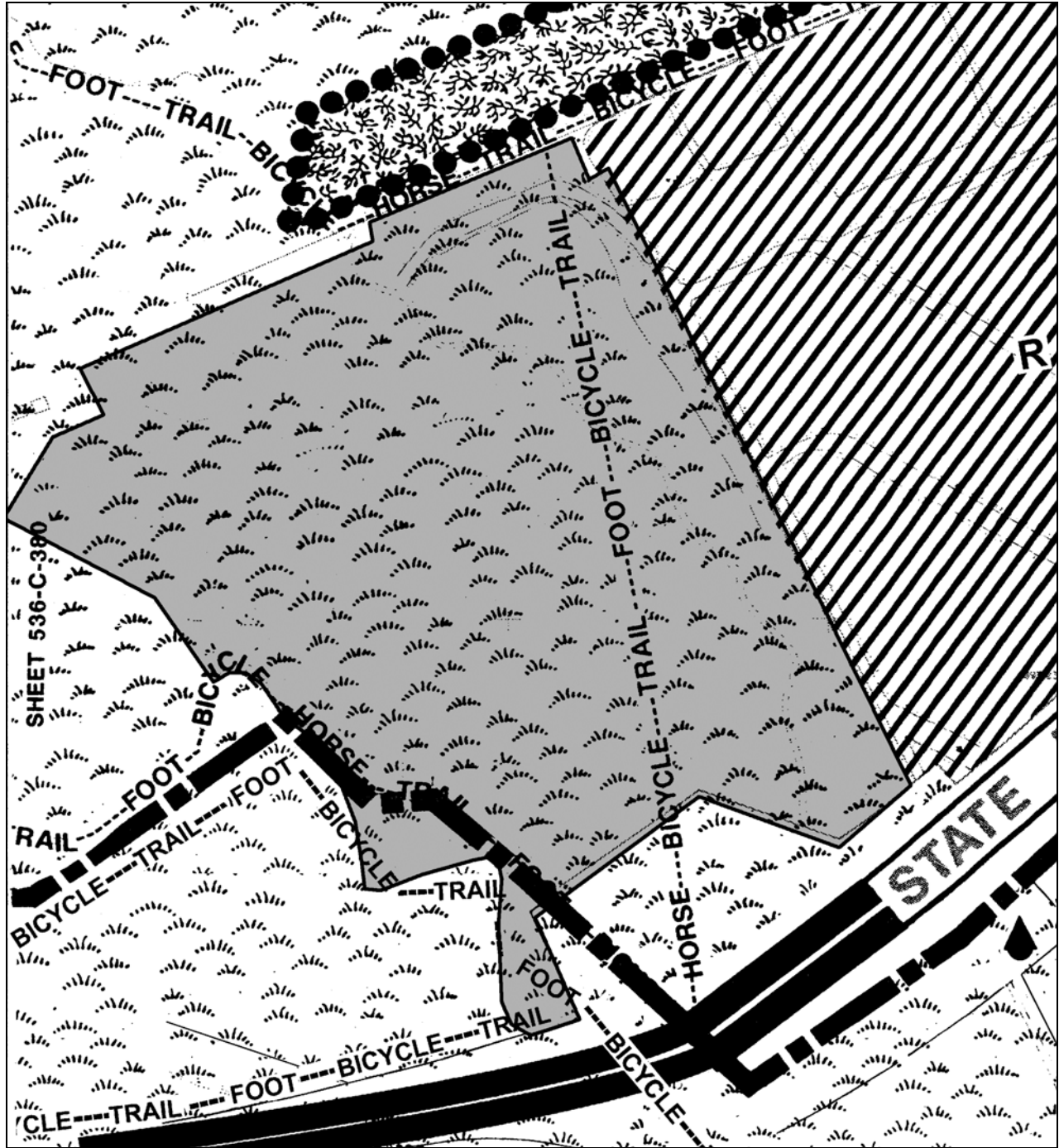


Exhibit “C”

Dumbarton Quarry Preliminary Grading Plan (PLN2006-00159)

Findings and Conditions of Approval

PRELIMINARY GRADING PLAN FINDINGS

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, that substantially and/or negatively affects the site because the grading is necessary to repair a naturally occurring landslide and create a safe condition. The minimal amount of grading necessary to accomplish the objective is being done.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. There are no fault zones on the site which might be aggravated by the proposed project which will ensure site safety in regards to seismic hazards.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The proposed grading will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. The proposed project described in the application will not negatively impact the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont because appropriate mitigation has been incorporated into the project design to mitigate any significant impacts, and the purpose of the project is to create a safer condition.

CONDITIONS OF APPROVAL

1. The project shall conform to Exhibit “B” (Preliminary Grading Plan) and all conditions of approval set forth herein.
2. The landslide repair and associated grading shown on Exhibit “B” (Preliminary Grading Plan) shall be included as part of the Grading Plan for the Final Reclamation Plan required under the conditions of approval for Use Permit U-66-53E and Planned District P-81-12A, which were approved by City Council in 1997. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the quarry reclamation plans.
3. The developer shall obtain a final grading permit in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
4. Approval of this Preliminary Grading Plan shall terminate 12 months from the date of approval by the Planning Commission.

5. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
6. The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer. An erosion and sediment control plan shall be included as part of the grading plans.
7. Prior to issuance of a grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. If an existing NOI is on file, it shall be updated to reflect the additional grading associated with the landslide repair.
8. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
9. The applicant shall provide adequate dust control measures at all times during grading operations. Any violation shall be subject to the suspension of the grading permit.
10. Prior to demolition, excavation and grading on any portion of the project site, all underground obstructions (i.e., debris, septic tanks, fuel tanks, barrels, chemical waste) shall be identified and removed pursuant to Federal, State and local regulations and subject to the review and approval by the City's Hazardous Materials Division. Excavations shall be properly backfilled using structural fill, subject to the review and approval of the City Engineer.
11. Grading and hauling operations shall be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
 - Monday-Friday, 6 a.m. to 10 p.m.
 - Weekend & Holiday, 8 a.m. to 8 p.m.
12. Grading operations shall be supervised by a registered civil engineer for conformance with the grading permit plans and shall be supervised by the project geotechnical engineer for conformance with the recommendations contained in the project geotechnical report.
13. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
14. The Project Geotechnical Engineer shall be retained to review the final grading plans and specifications. The Project Geotechnical Engineer shall approve the grading plans prior to City approval and issuance of the grading permit.
15. The applicant shall submit a tree survey if trees become necessary for removal during grading activities. Appropriate mitigation for tree removal and associated wildlife habitat shall be determined if tree removal is necessary.

16. The following mitigation measures shall be included in the project:

Mitigation Measure #1: The grading plan shall utilize the most efficient grading techniques to reduce the impact to the natural terrain and match the existing contours of the land to the extent possible.

Mitigation Measure #2: The hillside area to be repaired shall be landscaped with native vegetation. A landscape plan shall be submitted with the final grading plan and any other materials submitted for the Grading Permit subject to review and approval of the City Landscape Architect.

Mitigation Measure #3: The project shall comply with dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during any clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust.

Mitigation Measure#4: Should any human remains or historical or unique archaeological resources be discovered during site development work, all work shall cease, a qualified cultural resource expert shall be consulted and the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.